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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/811,978	03/19/2001	Patty J. Brock	JONAT.008A	9274

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Knobbe Martens Olson & Bear LLP
2040 Main Street
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EXAMINER

WOOD, Kimberly T

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 01/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/811,978

Applicant(s)

BROCK ET AL.

Examiner

Kimberly T. Wood

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 11-16 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10 is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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This is the second office action for serial number 09/811,978, entitled Computer Server Mounting apparatus, filed in response to Remarks filed on July 31, 2003.

Election/Restrictions

This application contains claims 11-16 drawn to an invention nonelected with traverse in Paper No. 7. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Priority

Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged and granted.

Drawings

The drawings were received on July 31, 2003. These drawings are approved.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the

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invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-5 and 7-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Bueley et al. (Bueley) 6,273,534. Bueley discloses a rack (10, 70 and 72, rack defined as a framework, stand or grating on or in which articles are placed), a slide (40), a bracket (82 and 84) with a supported portion (110, 112), a latch (133), a coil spring (150, column 8, lines 1ff), a chassis (12).

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bueley 6,273,534 in view of Fall et al. (Fall) 6,209,979. Bueley discloses all of the limitations of the claimed invention except for the one or more mounting protrusions, mounting slots, and a lock. Fall teaches that it is known to have a chassis (12) having protrusions (14), a slide having mounting slots (16) and a lock (66). It would have been obvious to one having ordinary skill in the art to have modified Bueley to have included the protrusions (14) on the chassis and mounting slots (16) and a lock (66) on the slide as taught by Fall for a more secure means of attaching the chassis to the telescoping slide.

Claims 1-5 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kofstad 5,833,337 in view of Bueley

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6,273,534. Kofstad discloses a rack (40), a slide (50), a bracket (56). Kofstad discloses all of the limitations of the claimed invention except for the latch being mounted on the bracket. Bueley teaches that it is known to have a rack (10, 70 and 72, rack defined as a framework, stand or grating on or in which articles are placed), a slide (40), a bracket (82 and 84) with a supported portion (110, 112), a latch (133) mounted on the bracket having a coil spring (150, column 8, lines 1ff), a chassis (12). It would have been obvious to one having ordinary skill in the art to have modified Kofstad to have replaced the bracket of Kofstad with the bracket including the latch as taught by Bueley for the purpose of providing a better and more secure means of attachment to the rack.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kofstad in view of Bueley 6,273,534 in view of Fall et al. (Fall) 6,209,979. Kofstad in view of Bueley disclose all of the limitations of the claimed invention except for the one or more mounting protrusions, mounting slots, and a lock. Fall teaches that it is known to have a chassis (12) having protrusions (14), a slide having mounting slots (16) and a lock (66). It would have been obvious to one having ordinary skill in the art to have modified Kofstad in view of Bueley to have included the protrusions (14) on the chassis and mounting slots

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(16) and a lock (66) on the slide as taught by Fall for a more secure means of attaching the chassis to the telescoping slide.

Allowable Subject Matter

Claim 10 is allowed.

The following is an examiner's statement of reasons for allowance: the prior art does not disclose a bracket mounted on an end of a slide defining a first guide portion, a second guide portion and a support portion extending into said first mounting aperture, a latch defining a first slot and a second slot, the first and second slots cooperating with said first and second guide members to allow linear movement of the latch between a first position extending into said second aperture and a second position not extending into said second position.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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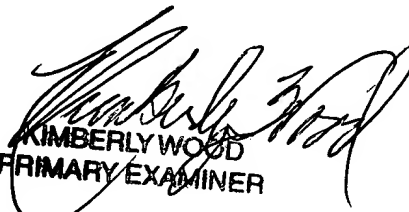
Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly Wood whose telephone number is (703) 308-0539. The examiner can normally be reached on Monday-Thursday from 7:30 AM to 5:00 PM. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2168. The fax number for an Official Amendment or Response is (703) 872-9306. The fax number for an Unofficial Amendment or Response is (703) 308-3519.

Kimberly Wood
Primary Examiner
December 24, 2003


KIMBERLY WOOD
PRIMARY EXAMINER